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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

KAPLAN, HAL IRA

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2836

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,356

Applicant(s)

RHODES, MICHAEL

Examiner

Hal I. Kaplan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,9-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 7,8,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to under 37 CFR 1.71(b) because it does not completely describe a specific embodiment of the invention.

Page 22, lines 19-22 state that the wires from the relays to the lighting selector junction box are color coded red, yellow, green, and black, respectively. It is not clear what this is respective to. In addition, only four colors are provided, but there are five relays (see Figures 7A and 7C).

The specification frequently refers to parts and connections without using their labels as shown in the drawings. As a result, in some cases it is not clear to the examiner what is being described. For example, Page 17, lines 14-15, in the written description of Figure 3, state that the console panel may have a scales switch which is supplied with power via the Aux 2 fuse. However, Figure 3 clearly shows that the scales switch is connected to cable 3B8, which is connected to both the Aux 1 fuse (14G. OR AUX 1) and the ground terminal of the control head. The scales switch does not appear to have a connection to the Aux 2 fuse. In addition, it is not clear where the fuses are located in Figures 2A, 2B, 3A, 3B, 5A, 5B, 6A, and 6B.

Drawings

2. The drawings were received on July 21, 2006. These drawings are accepted.

Claim Objections

3. Claims 1, 9, 14, and 15 are objected to because of the following informalities:
Claim 1, line 5; claim 9, line 5; claim 14, line 5; and claim 15, line 5 contain the word
“aa”. It appears this should be “a”. Appropriate correction is required.

Response to Amendment

The amendment to the claims filed on July 21, 2006 does not comply with the requirements of 37 CFR 1.121(c) because claim 10 is identified as original, but it is amended. Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being

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placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Terminal Disclaimer

4. Acknowledgment is made of the terminal disclaimer which disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending Application Number 10/287,491, dated July 21, 2006. The second terminal disclaimer as to U.S. Patent 6,600,236, referred to on page 27 of the Remarks, was not received.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

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are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1, 2, 4-6, 9-11, and 13-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 8-14, respectively, of U.S. Patent No. 6,600,236 in view of the US patent of Wong et al. (5,957,985).

Claims 1, 2, 4-6, 9-11, and 13-15 claim the same invention as claims 1-6 and 8-14 of U.S. Patent No. 6,600,236, except the connectors in the universal wiring harness of U.S. Patent No. 6,600,236 are not necessarily configured as plug and play connectors. Wong, drawn to a fault-resilient automobile control system, teaches an electrical system for a vehicle comprising connectors configured as plug and play connectors (see column 3, lines 58-61 and column 4, lines 37-45). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use plug and play connectors in the invention of U.S. Patent No. 6,600,236 because the aftermarket accessories will run as soon as they are plugged in, without the need for additional configuration.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US patent of Bella et al. (5,703,411) in view of the US patents of Kato et al. (5,856,711), Wagner (5,949,148), and Wong.

As to claim 14, Bella, drawn to a fault-resilient automobile control system, discloses, in Figure 1, an automobile electrical system, comprising: a fuse panel (67) adapted for connection to a vehicle's battery (69) (see column 5, lines 5-9); a selection junction box (16) electrically connected to the fuse panel (67) (see column 5, lines 5-9), the selection junction box (16) having a terminal block (104) having a plurality of terminals, with a subcircuit being connected to each separate terminal on the terminal block (104), each terminal having a connector for attachment of a subcircuit accessory wire (see column 5, line 67 through column 6, line 4); a console panel (18) having a

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plurality of user operable switches for controlling operation of a plurality of aftermarket accessories added to the vehicle, the console panel (18) being electrically connected to the fuse panel (67) and the selection junction box (16) (see column 2, lines 26-31); a universal wiring harness (14) electrically connecting the fuse panel (67), the selection junction box (16), and the console panel (18), the wiring harness (14) having a plurality of connectors (19) distributed throughout the vehicle adapted for connection to aftermarket accessories (see column 2, lines 37-39 and 54-56), the wiring harness (14) having a plurality of color-coded wires (see column 12, lines 32-42); and a programmable timer delay (360,370) connected to the universal wiring harness (14) for turning off circuits a predetermined period of time after the vehicle ignition switch is turned to an "OFF" position (see column 10, lines 18-31).

Bella does not disclose:

- (a) the fuse panel having a plurality of lighting circuit relays;
- (b) a plurality of lighting circuits; or
- (c) the connectors being configured as plug and play connectors; or

Kato , drawn to a power-supply distributor for use in vehicles, discloses, in Figure 6:

(a) a fuse panel (A) adapted for connection to a vehicle's battery (1), the fuse panel having a plurality of lighting circuit relays (A2a,A2b), each relay (A2a,A2b) having a solenoid (L) and normally open switch contacts, each relay (A2a,A2b) further having a fuse (A1a,A1b) in series with the relay solenoid (L) (see column 1, lines 12-27).

Wagner, drawn to a D.C. power distribution and fuse panel unit, discloses, in Figure 4:

(b) a plurality of lighting circuits (39), each lighting circuit (39) being connected to a separate set of contacts, each lighting circuit (39) branching into a plurality of lighting subcircuits (40), each subcircuit (40) having a fuse (F9-F16) for protection (see column 6, lines 56-63).

Wong discloses:

(c) an electrical system for a vehicle comprising connectors configured as plug and play connectors (see column 3, lines 58-61 and column 4, lines 37-45).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the system of Bella by using the relays of Kato and the fuse panel of Wagner, and using plug-and-play connectors, in order to provide an improved junction box having a common connectivity point, and make it easier to add and remove accessories and perform maintenance or troubleshooting.

As to claim 15, Bella discloses a modular connector having: (a) a through-the-roof base connector (46); and (b) a light bar wiring harness (36) having a weatherproof boot connector (grommet) attachable to the base connector, the light bar wiring harness (36) being adapted for a light bar accessory (44) mountable on a roof of the vehicle (see column 5, lines 47-60).

Allowable Subject Matter

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10. Claims 7, 8, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Claims 7, 8, 16, and 17 contain allowable subject matter because claims 7 and 8 depend from claim 1; claims 16 and 17 depend from claim 9; and none of the prior art of record discloses or suggests a take down switch connected to one of the lighting relays for controlling application of power to aftermarket lighting accessories used when pulling over a motorist, and a spare switch connected to one of the lighting relays for providing a user with a programmable console switch for adding on additional aftermarket accessories, in combination with the remaining claimed features.

Response to Arguments

12. Applicant's arguments, see Remarks, filed July 21, 2006, with respect to the objections have been fully considered and are persuasive, except as set forth above. The objections and rejections have been withdrawn, except as set forth above.

Conclusion

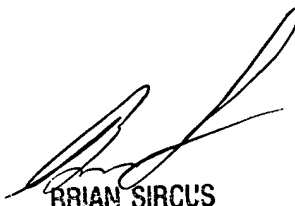
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800